

REMARKS

This Amendment is filed in response to the Office Action of June 12, 2008 in which claims 1-28 were rejected.

1. Co-pendency matters:

Attached in the Appendix hereof for the Examiner's reference is a copy of the one page Form PCT/IB/332 from the IB indicating that the U.S. was informed of its election as well as the one page "Notification of Receipt of Demand by Competent International Preliminary Examining Authority" (Form PCT/IPEA/402) which was the European Patent Office for the previous PCT application on the basis of which the present US application is a bypass continuation under 35 U.S.C. 120 and 365(c). The Demand was filed April 3, 2003, i.e., before expiration of 19 months from the priority date of September 3, 1999. Moreover, the applicant hereby certifies that the international application was not withdrawn either generally or as to the USA prior to the 30-month mark. Since the Demand was filed (for a case where the 20-month period expired before April 1, 2002), the international application did not become abandoned under former Rule 494 at the 20-month mark and the present application was permitted to wait until the 30-month mark from the priority date and this was done on March 1, 2002, i.e., two days before the thirty month mark of March 3, 2002 and while copendency was still in existence. A certified copy of the priority document PCT/EP99/6505 was filed May 29, 2002. See MPEP § 1895.

Therefore, the present continuation application is copending with the international application, and the claim of priority for this "by-pass" continuation is proper as is the cross-reference thereto on page 1 of the specification properly complies with Rule 76 and was timely made under Rule 78. Withdrawal of the objection is requested.

2. Formal claim objections:

Regarding item 3 on page 2 of the pending Office Action, appropriate amendment was made as follows:

In line 1, following the expression “comprising”, a “:” was added. The objection referring to line 5 was not understood as the expression “technologies” does not appear in line 5 and furthermore there is no difference seen between the proposal made by the Examiner. Rather, the objection could be understood to refer to line 4, and if so, a “,” was added after “technologies”.

With regard to the indefiniteness objections referring to claim 1, the Examiner’s objection is not understood. Rather, claim 1 as on file (since the response of April 26, 2007) already states in claim 1, first feature, “providing for performing switching between an incoming side and an outgoing side of a switching network element in a telecommunication network ...” (emphasis added). Thus, the indefiniteness objection in this regard against claim 1 is moot when properly reading claim 1 as on file. In any event, the word “performing” has been cancelled for clarity.

As to claim 2, it is pointed that claim 1, second feature, already mentions “... allocating switching technology-independent identifications to a call resource of said switching network element ...” (emphasis added). Therefore, mentioning of “said call resources in claim 2 is held to have sufficient antecedent basis for that limitation. Nonetheless, claim 2 is amended now to recite “said call resource comprises” to even more properly adapt the claim wording of claim 2 to the claim wording of claim 1 in formal aspects of US patent practice/law.

Withdrawal of the indefiniteness rejections is requested.

3. Prior art objections based on the not of record *Tilander* reference (US 7,035,268) under 35 U.S.C. 102(e):

The present application benefits from a filing as well as priority date of September 3, 1999.

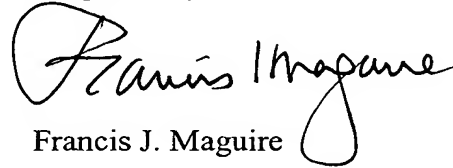
The cited *Tilander* reference is a continuation of a previous application. The previous application’s filing date also is September 3, 1999. Thus, *Tilander* as well as the present application were filed on the same day. However, under 35 USC 102(e), in order for a patent application to be applicable prior art, the filing date has to be before the filing/priority date of the application under examination. Thus,

Tilander fails to be based on a filing date that is before the filing/priority date of the present application. Therefore, *Tilander* is inapplicable prior art.

Withdrawal of the novelty rejection is requested.

The objections and rejections of the Office Action of June 12, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-28, as amended, to issue is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large loop at the end of the last name.

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
(203) 261-1234

APPENDIX

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

LESON, Thomas
TIEDTKE-BÜHLING-KINNE
Bavariaring 4
D-80336 München
ALLEMAGNE

INGEGANGEN
 Patentanwälte
 23. April 2001
 TIEDTKE-BÜHLING-KINNE
 & PARTNER (GmbH)

NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence
and Administrative Instructions, Section 601(a))

Date of mailing
(day/month/year)

20. 04. 01

Applicant's or agent's file reference
WO 24836

IMPORTANT NOTIFICATION

International application No.

PCT/EP 99/ 06505

International filing date (day/month/year)

03/09/1999

Priority date (day/month/year)

03/09/1999

Applicant

NOKIA NETWORKS OY

1. The applicant is hereby notified that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

03/04/2001

2. This date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
- ☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
- ☐ the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **ATTENTION:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the election(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide*, Volume II.

- ☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/



European Patent Office
D-80298 Munich
Tel. (+49-89) 2399-0, Tx: 523656 epmu d
Fax: (+49-89) 2399-4465

Authorized officer

KAUFMANN S B

Tel. (+49-89) 2399-2975



EINGEGANGEN
Patentanwälte
21. Juni 2001
TIEDTKE · BÜHLING · KINNE
& PARTNER (GbR)

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

To:

LESON, Thomas, Johannes, Alois
Tiedtke-Bühling-Kinne & Partner GbR
TBK-Patent
Bavariaring 4
D-80336 Munich
ALLEMAGNE

**INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION**

(PCT Rule 61.3)

Date of mailing (day/month/year) 13 June 2001 (13.06.01)		IMPORTANT INFORMATION
Applicant's or agent's file reference WO 24836		
International application No. PCT/EP99/06505	International filing date (day/month/year) 03 September 1999 (03.09.99)	Priority date (day/month/year)
Applicant NOKIA NETWORKS OY et al		

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE

National : AU, BG, CA, CN, CZ, DE, IL, JP, KP, KR, MN, NO, NZ, PL, RO, RU, SE, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

AP : GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG

National : AE, AL, AM, AT, AZ, BA, BB, BR, BY, CH, CU, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MW, MX, PT, SD, SG, SI, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZA, ZW

3. The applicant is reminded that he must enter the "national phase" **before the expiration of 30 months from the priority date** before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until **31 months from the priority date** for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer: Claudio Borton Telephone No. (41-22) 338.83.38
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The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:
IPEA/ EPA

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only	
Identification of IPEA	Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
Applicant's or agent's file reference WO 24836	
International application No. PCT/EP99/06505	International filing date (day/month/year) 03/09/1999 (3 September 1999)
(Earliest) Priority date (day/month/year)	
Title of invention SWITCHING METHOD AND NETWORK ELEMENT	
Box No. II APPLICANT(S)	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
NOKIA NETWORKS OY Keilalahdentie 4 FIN-02150 Espoo Finland	
Telephone No.:	+358 9 551 610 70
Facsimile No.:	+358 9 511 612 80
Teleprinter No.:	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
JORMANAINEN, Rainer Asemakuja 1 E 33 FIN-05400 Jokela Finland	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
HARJUNEN, Timo Korppaanmäentie 11 B 22 FIN-0300 Helsinki Finland	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.	

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Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCEThe following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*LESON, Thomas, Johannes, Alois
Tiedtke-Bühling-Kinne & Partner GbR
TBK-Patent
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80336 München
DE

Telephone No.:

+49 (89) 544690

Facsimile No.:

+49 (89) 532611

Teleprinter No.:

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filedthe description ☒ as originally filed
☐ as amended under Article 34the claims ☒ as originally filed
☐ as amended under Article 19 (together with any accompanying statement)
☐ as amended under Article 34the drawings ☒ as originally filed
☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: english☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|--------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | sheets |
| 6. other (<i>specify</i>) | : | sheets |

For International Preliminary
Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 4. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> separate signed power of attorney | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 6. <input type="checkbox"/> other (<i>specify</i>): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

LESON, Thomas, Johannes, Alois
Patentanwalt
TBK-Patent

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

PCT

FEE CALCULATION SHEET

Annex to the Demand for international preliminary examination

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">International application No.</td> <td>PCT/EP99/06505</td> </tr> <tr> <td>Applicant's or agent's file reference</td> <td>WO 24836</td> </tr> </table>	International application No.	PCT/EP99/06505	Applicant's or agent's file reference	WO 24836	<div style="border: 1px solid black; padding: 5px;"> For International Preliminary Examining Authority use only </div> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"> Date stamp of the IPEA </div>
International application No.	PCT/EP99/06505				
Applicant's or agent's file reference	WO 24836				
Applicant NOKIA NETWORKS OY et al					
Calculation of prescribed fees 1. Preliminary examination fee 1533,00 Euro P 2. Handling fee <i>(Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)</i> 148,00 Euro H 3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box 1681,00 Euro <div style="border: 1px solid black; text-align: center; padding: 2px 10px;">TOTAL</div>					
Mode of Payment <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below) <input type="checkbox"/> cheque <input type="checkbox"/> postal money order <input type="checkbox"/> bank draft </div> <div> <input type="checkbox"/> cash <input type="checkbox"/> revenue stamps <input type="checkbox"/> coupons <input type="checkbox"/> other (specify): </div> </div>					
Deposit Account Authorization <i>(this mode of payment may not be available at all IPEAs)</i> The IPEA/ <u>EPA</u> <input checked="" type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account. <input checked="" type="checkbox"/> <i>(this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit)</i> is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.					
28 000 428 Deposit Account Number	03 April 2001 Date (day/month/year)				
LESON, Thomas, Johannes, Alois Patentanwalt Signature TBK-Patent					